

To: Fritz, Matthew[Fritz.Matthew@epa.gov]; Rupp, Mark[Rupp.Mark@epa.gov]
From: Enck, Judith
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Times Union

Schumer urges EPA to quickly put Hoosick Falls on Superfund list

He also seeks declaration of PFOA as a hazardous substance

By Rick Karlin

July 25, 2016

Albany

Sen. Chuck Schumer is urging the federal Environmental Protection Agency to fast-track efforts to get Hoosick Falls named as a federal Superfund site — a designation it already has on the state level.

The New York Democrat is also seeking a speedup in listing perfluorooctanic acid, or PFOA, which has polluted the community's water supply, as a hazardous substance.

"I strongly advise your agency to expeditiously complete the agency's numerical scoring of the site on the federal Hazard Ranking System," Schumer said in a July 22 letter to EPA Administrator Gina McCarthy. The letter was obtained by the Times Union on Monday.

"I urge you to promptly complete and approve New York State's request that the St. Gobain McCaffrey Street site be added to the EPA's NPL," the letter added.

NPL is National Priorities List: the designation that comes with federal Superfund status.

New York officials in January requested the same federal designation, which could free up more money for remediation.

The EPA twice a year fields nominations for Superfund status with the next round coming this fall. A nomination is no guarantee of getting that status, however.

Schumer's letter is the latest development regarding Hoosick Falls, which has been reeling from a toxic water crisis traced to PFOAs which for years were released by St. Gobain Performance Plastics and its predecessor Honeywell International. The plant makes industrial tapes and materials that go into items like auto batteries and wiring used in aircraft. While not officially listed as a toxin, PFOA has been linked to a variety of cancers and thyroid maladies that appear

to be plaguing Hoosick Falls residents at unusually high levels.

The EPA in late 2015 recommended that people stop drinking the water there, following growing suspicions about contamination.

If added to the nomination list, Hoosick Falls would compete with other sites around the nation for the federal Superfund program, said EPA spokesman John Martin.

That list is developed twice a year.

If it gets on the list, the government would seek cleanup money from the companies involved in the contamination. If no money was available there, funds could come from government coffers, said Martin.

"Any steps that can be taken to help further identify and clean up PFOA in Hoosick Falls is always welcome. The more resources and expertise Hoosick Falls can receive into understanding why and how this happened can only be of great benefit," said Republican Assemblyman Steve McLaughlin, who represents the community.

Schumer's request comes amid plans by both Congress and the state Legislature to conduct public hearings on how the contamination problem evolved in Hoosick Falls.

Discussions leading up to the planned hearings have been tortured and contentious.

Cuomo critics, including McLaughlin, have charged the Administration with covering up and foot-dragging in responding to concerns in Hoosick Falls as they emerged about a year ago.

And the Democratic-controlled Assembly reversed itself in recent weeks, saying they would conduct hearings after earlier contending they were unnecessary.

The state departments of Health and Environmental Conservation have outlined their response, which included the installation of filtering devices, the creation of a hotline, and ongoing information sessions in the village.

Sen. Schumer writes letter to EPA

By WRGB Staff Monday, July 25th 2016

HOOSICK FALLS--As the PFOA crisis continues in Hoosick Falls, Sen. Chuck Schumer says he has written a letter to the EPA urging the government to classify the St. Gobain factory there a federal Superfund site.

Schumer wrote in part: "...more action must be taken by the EPA to help resolve this ongoing public health crisis that has been so damaging to the community of Hoosick, including promptly finalizing the site's inclusion on the [National Priorities List]"

Sen. Schumer also says adding Hoosick Falls to that list, through Superfund designation, would allow the EPA to dedicate more resources to the cleanup of the chemical linked to cancer.

State authorities have said already designated the St. Gobain factory a state Superfund site.

Sen. Schumer calling EPA to add Saint Gobain to Federal National Priorities List

By Joe Gullo Published: July 25, 2016, 3:55 pm Updated: July 25, 2016, 4:22 pm

WASHINGTON (NEWS10) – Senator Chuck Schumer is calling on the Environmental Protection Agency to add Saint Gobain to the Federal National Priorities List.

The facility was added to the state Superfund list after PFOA contaminated drinking water in Hoosick Falls.

The DEC has requested the site be added to the National Priorities List.

NEWS10 ABC obtained a copy of a letter from Senator Chuck Schumer's office. He demands that the EPA speed up that process.

The letter reads in part:

"A listing on the NPL for the village of Hoosick Falls and the town of Hoosick would accelerate the essential cleanup process and give the EPA immediate access to the appropriate Superfund monies for cleanup."

Saint-Gobain smokestacks emitting PFOA, test results show

wmur.com

July 25, 2016

By Frank O'Laughlin

MERRIMACK, N.H. —Smokestacks at the Saint-Gobain Performance Plastics plant in Merrimack are emitting perfluorochemicals, according to recently released test results.

State officials said the emissions translate to less than two ounces, which is below state and federal standards, but the chemical was also previously detected in wells around the plant.

The chemical was phased out in 2014, but it was found in private wells in concentrations above the Environmental Protection Agency's advisory level.

The water contamination has impacted residents with private wells in many surrounding towns, including Merrimack, Litchfield and Bedford.

The company said it will clean the perfluorochemical residue from the smokestacks. Another

test will take place in August.

Saint-Gobain CEO Tom Kinisky told WMUR back in April that the company is trying clean the water as "quickly as possible."

Saint-Gobain seeks lawsuit dismissal

JUL. 25, 2016, 10:28 AM BY BENNINGTON BANNER

Editor's note: This article by Edward Damon first appeared in the Bennington Banner on July 25, 2016.

NORTH BENNINGTON — Attorneys for Saint-Gobain Performance Plastics have asked a federal court in Vermont to throw out a multimillion dollar class-action lawsuit over PFOA contamination because the company is also in litigation with the state. A memorandum filed last week argues that a complaint brought forward by North Bennington residents should be dismissed or stayed because the company is challenging the state's advisory standard for the man-made chemical.

The residents' complaint accuses Saint-Gobain of negligence in disposing of PFOA, and trespass and battery for contaminating private drinking water supplies with the suspected carcinogen.

It's one of several class-action suits filed in federal court after the chemical, used for decades when making the nonstick coating Teflon, turned up in public and private water supplies in the region.

Across the state line in New York, five class-action lawsuits have been consolidated. The cases were all filed against Saint-Gobain and Honeywell International, the companies that last month signed consent orders holding them responsible for contamination around Hoosick Falls.

The most recent one was filed on behalf of the local Tops Friendly Supermarkets and seeks \$2.1 million for a loss of value to the grocery store building on Route 22.

PFOA, or perfluorooctanoic acid, has been linked to kidney and testicular cancers, as well as high blood pressure and cholesterol and thyroid problems. Of the 483 wells around North Bennington tested since February, 249 were found to have PFOA levels above what the state says is safe, or 20 parts per trillion (ppt). The highest amounts of 2,730 and 2,330 ppt were found on Harrington Road and Asa Way, according to results posted on Friday by the Vermont Department of Environmental Conservation. DEC believes the contamination source is the former Saint-Gobain/ChemFab plant in the village.

A complaint filed in May by three law firms on behalf of four North Bennington residents seeks \$5 million in damages from Saint-Gobain, as well as a court order for the company to pay to connect affected homes to municipal water, clean up contamination and implement long-term medical studies.

Lawyers for Saint-Gobain last week filed a motion to dismiss or stay the lawsuit proceedings

because the company has challenged Vermont's 20 ppt limit for PFOA, which a memorandum states is "the lowest set by any state, federal or even foreign government."

"As a matter of science, Vermont public policy, and administrative procedure, these rules should not stand," the memorandum states.

The memorandum for Saint-Gobain was filed by Downs Rachlin Martin PLLC of Brattleboro and Quinn Emanuel Urquhart & Sullivan LLP of New York City.

The federal Environmental Protection Agency has set a limit of 70 ppt. The Vermont Department of Health issued a health advisory level of 20 ppt in March. The DEC then issued an emergency interim groundwater enforcement standard of 20 ppt. The Agency of Natural Resources has begun proceedings to set a final standard.

Saint-Gobain challenged the standard in state court "on both substantive and procedural grounds," the memorandum states. The company claims that Vermont state agencies didn't provide sufficient notice to identify affected parties, or allow those parties to comment, didn't consider economic impact, and challenges the state's "failure to assert a scientifically supportable basis for the Interim Standard and Emergency Rules." Attorneys for Saint-Gobain argue that the lawsuit should not proceed because the North Bennington residents rely on the rules that are subject to pending challenges in state court.

In Hoosick Falls, N.Y., five cases have been consolidated under a court order by a federal judge. Plaintiffs have requested the court appoint Weitz & Luxenberg, P.C. and Faraci Lange, LLP as co-lead interim class counsel. A memorandum in support of the motion states that both New York City law firms "have a wealth of experience handling groundwater contamination cases very similar to the instant matter." Plaintiffs claim a loss of property value due to contamination and allege negligence against Saint-Gobain and Honeywell.

Among the plaintiffs is Hoosick Falls Associates, a company that owns the property that contains the local Tops supermarket. A complaint was filed in May by Albany, N.Y., law firm Couch White, LLP.

The property at 21495 New York State Route 22 is three-tenths of a mile away from the manufacturing plant at 14 McCaffrey St., a Class 2 state Superfund site, the complaint states. Saint-Gobain has owned that site since 1999 and that company, along with Honeywell, signed consent orders last month for the site.

The property was listed for sale and its market value in November 2015 was \$2.1 million, according to the complaint. Three buyers expressed interest in buying the property, but rescinded their interest after PFOA contamination was discovered.

The complaint details a stigma attached to the property and claims that HFA will not be able to sell it.

Tops is served by a private water system and was one of the many businesses and homes where Saint-Gobain agreed to fund a point-of-entry (POET) water filtration system.

The supermarket has also been the designated bottled water pick-up site for residents in the village and town of Hoosick. Saint-Gobain agreed to fund that effort after the EPA last

November issued a no-drink order on the village's municipal system, which serves about 4,500 customers. The company has since paid for a filtration system on the municipal system.

NYT

Tainted Water Near Colorado Bases Hints at Wider Safety Concerns

By JULIE TURKEWITZ

JULY 25, 2016

Photo Carmen Soto with her son, Volk, in Colorado Springs this month. Credit Matthew Staver for The New York Times

FOUNTAIN, Colo. — Volk Sanders burst into this world on June 7, a six-pound fuzz-headed ball of joy and his mother's first child.

Days later, Volk's mother learned that the well water she had consumed for years had been laced with chemicals that the Environmental Protection Agency associates with low birth weight, cancers, thyroid disease and more.

The aquifer that courses beneath this community in the shadow of five military installations showed traces of perfluorinated chemicals at up to 20 times the levels viewed as safe, environmental authorities said. A sudsy foam used for fighting fires on military bases was probably responsible, according to the Air Force, with the contamination perhaps decades old.

"I'm very angry," Volk's mother, Carmen Soto, 20, said at a packed community meeting on July 7. Volk had struggled to gain weight, she said, and she wondered if that was related to the contamination. "They've known about this for how long, and they're just telling us? I drank water throughout my pregnancy. What is that going to do?"

Cleanup Efforts

The military is cleaning up PFC-contaminated drinking water supplies in communities near these installations:

Air Force

Dover Air Force Base, Del.; Eielson Air Force Base, Alaska; Horsham Air Guard Station, Pa.; the former March Air Force Base, Calif.; the former Pease Air Force Base in N.H.; the former Plattsburgh Air Force Base, N.Y.; Wright-Patterson Air Force Base, Ohio; the former Wurtsmith Air Force Base, Mich.; Peterson Air Force Base, Colo.

Navy

Auxiliary Landing Field Fentress, Va.; Naval Weapons Station Earle, N.J.; former Naval Air Station Joint Reserve Base, Pa.; former Naval Air Warfare Center, Pa.

Fountain — named for a creek that once gave life to this southern Colorado town — is now part of a growing list of American communities dealing with elevated levels of perfluorinated chemicals, or PFCs, in their drinking water. In the last few months, PFC poisoning has upended municipalities around the country, including Hoosick Falls, N.Y., home to a plastics factory, and North Bennington, Vt., once home to a chemical plant.

Unlike in many of the other places, the contamination in Fountain and in two nearby communities, Widefield and Security, is not believed to be related to manufacturing. Rather, the authorities suspect that it was caused by Aqueous Film Forming Foam, a firefighting substance used on military bases nationwide.

Defense Department officials initially identified about 700 sites of possible contamination, but that number has surged to at least 2,000, most of them on Air Force bases, said Mark A. Correll, a deputy assistant secretary for environment, safety and infrastructure at the Air Force.

All of the nine bases that the Air Force has examined so far had higher-than-recommended levels of PFCs in the local drinking water. Four bases identified by the Navy were also found to have contaminated water. In some places, the contamination affects one household. In others, it affects thousands of people.

Photo Contamination in Security, Colo., is believed to have been caused by the use of Aqueous Film Forming Foam, a firefighting substance used on military bases nationwide. Credit Matthew Staver for The New York Times

The bases are in Alaska, California, Colorado, Delaware, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania and Virginia.

“It’s quite possible it will touch every state,” said Jennifer Field, a professor at Oregon State University and an expert on the chemistry of Aqueous Film Forming Foam. “Every place has a military base, a commercial airport, an oil refinery, a fuel tank farm.”

The Air Force has spent \$137 million to assess the scope of the problem, and is spending several million more to treat water systems and provide alternate drinking-water sources. It does not have an estimate of how much cleanup will ultimately cost, though one official said it would “likely be quite large.”

“This has focus at the absolute highest level of the Air Force,” Mr. Correll said. “We take it seriously. We’re addressing it aggressively. The Air Force will take responsibility for its actions.”

Photo Benito Robson and his sister Avalon carrying filtered water to their home in Security. Credit Matthew Staver for The New York Times

The firefighting agent in question is a white substance often shot from a hose and used to extinguish fuel fires since about 1970. Aqueous Film Forming Foam was created by 3M at the behest of the Navy, which needed a way to stamp out fires on ships.

The foam was later adopted by airports, oil fields and municipal fire departments, becoming an integral part of the nation’s firefighting kit. It was often sprayed directly onto the ground during repeated training sessions on military bases.

It has probably saved hundreds of lives, including those of pilots in plane crashes.

The foam is laden with perfluorinated chemicals, an unregulated class of man-made chemicals that travel quickly in water and last for years in bodies and environments.

In the face of growing evidence of adverse health effects, the Environmental Protection Agency is considering whether to regulate the chemicals, which manufacturers have used for decades in everyday products like clothing, mattresses and food packaging. In May, the agency released a new health advisory on two of the best-known perfluorinated chemicals — PFOA and PFOS — suggesting that communities keep their water below 70 parts per trillion for the two combined.

Photo Volunteers loaded cases of bottled water into cars in Security during an event run by the Care and Share Food Bank. Credit Matthew Staver for The New York Times

Some who have followed the issue say the government has been too slow to act. “There are those who have argued it just became too big to regulate,” said Rob Bilott, an Ohio lawyer who has urged the E.P.A. to monitor the chemicals since 2001. “It just became such a massive potential issue because of how widespread these chemicals were.”

A spokeswoman for the federal agency, Monica Lee, said its response had evolved “as our understanding of how these chemicals affect human health has improved.”

In Colorado, Fountain, Widefield and Security were among 63 public water systems identified in May by the E.P.A. as having PFC-contaminated water. The communities, which have a combined population of about 60,000, sit in the shadow of the Rocky Mountains, and above an aquifer just south of Peterson Air Force Base. The military plays such a large role here that many refer to the base like an old friend, simply “Pete A.F.B.”

Fountain tested at twice the E.P.A.’s latest recommended level. Widefield tested at more than three times the guideline. And Security showed levels nearly 20 times the guideline.

Photo A purified-water stand in Security. Credit Matthew Staver for The New York Times

The communities’ anger was evident on July 7, when an estimated 800 people crammed into two halls at Mesa Ridge High School to listen to a doctor, E.P.A. and Air Force officials, and others discuss the problem and their follow-up. PFCs cannot be boiled out of the water, they explained, and only certain filters remove them. The Air Force plans to spend \$4.3 million to treat drinking water in the area.

“This is all I think about,” said Tanya Marcus, 38, who raised four children on Widefield’s water system. “I’m not so worried about myself. I’m worried about my kids and everybody else’s kids.”

Particularly worrisome for some was a state health report that compared cancer rates in contaminated areas with those in the rest of El Paso County. Kidney cancers were about 17 percent higher than expected, bladder cancers about 34 percent higher and lung cancers 66 percent.

A state health department doctor, Mike Van Dyke, pointed out that research had associated only one of those cancers — kidney — to PFC contamination, and that high levels of smoking and

obesity in the area could explain the elevated numbers. “We don’t think this is a PFC effect,” he said, “but we can’t be sure.”

Utilities directors in the region have shut off many of the poisoned wells, and are pumping in water from elsewhere in the state, an expensive and temporary fix. Local officials have said some people’s water is now safe, while others’ is not. They urged caution, particularly for pregnant and breast-feeding women, but that has sown greater confusion. (The state health department has created a map to help people identify areas of risk.)

Ms. Soto, sitting in the bedroom she shares with the baby, Volk, said that she had switched to bottled water, but that she was breast-feeding and worried she was passing her exposure to PFCs to her son. Baby formula is not really an option, she said, as she works only part time at a Burger King that pays \$8.75 an hour.

On recent Fridays, minivans and pickup trucks filled the sprawling parking lot of the St. Dominic Church, where a food bank passed out bottled water using money from a disaster fund.

On the morning after the community meeting, the first car showed up just after 5 a.m., hours before the handout began, its occupants anxious that the water would run out.

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